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PTO/SB/21 (09-04) (AW 10/2004)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 8

Application Number,	10/528,793
Filing Date	March 23, 2005
First Named Inventor	Toru Miyano
Art Unit	2655
Examiner Name	To Be Assigned
Attorney Docket No.	MTS-3553US

**ENCLOSURES (Check all that apply)**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/Declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation,<br>Change of Correspondence<br>Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) ____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication<br>to TC<br><br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply<br>Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please<br>identify below): Request<br>Corrected Filing Receipt; Copy<br>of Filing Receipt; Copy of<br>Declaration/Power of Attorney;<br>Copy of Page 2 of 3/25/05<br>Amendment; Return Receipt<br>Postcard |
|--|---|--|

Remarks:

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm Name	RatnerPrestia		
Signature	<i>Daniel N. Calder</i>		
Printed Name	Daniel N. Calder		
Date	August 31, 2005	Registration No.	27,424

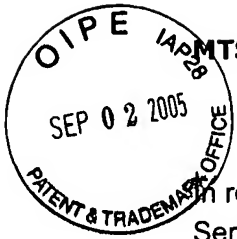
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Signature	<i>Donna M. Wellings</i>		
Typed or Printed Name	Donna M. Wellings	Date	August 31, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

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MTS-3553US

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Toru Miyano

Serial No.: 10/528,793

Group No.: 2655

Filed: March 23, 2005

Examiner: To Be Assigned

For: DISK APPARATUS, DISK APPARATUS CONTROLLING METHOD,  
PROGRAM AND RECORDING MEDIUM (as amended)

**Filing Receipt Corrections**  
**Office of Initial Patent Examination**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**REQUEST FOR CORRECTED FILING RECEIPT**

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.

2. There is an error with respect to the following data:

☒ Incorrectly entered *and/or* ☐ omitted

<i>Error in</i>	<i>Correct data</i>
1. <input type="checkbox"/> Applicant's name	1.
2. <input type="checkbox"/> Applicant's address	2.
3. <input checked="" type="checkbox"/> Title (as indicated in 03/25/05 Preliminary Amendment)	3. DISK APPARATUS, DISK APPARATUS CONTROLLING METHOD, PROGRAM AND RECORDING MEDIUM
4. <input type="checkbox"/> Filing Date	4.
5. <input type="checkbox"/> Serial Number	5.
6. <input type="checkbox"/> Foreign/PCT Application Reference	6.
7. <input type="checkbox"/> Other	7.

3. No fee is due.

RatnerPrestia  
P. O. Box 980  
Valley Forge, PA 19482-0980  
(610) 407-0700

Respectfully submitted,

*Daniel N. Calder*

Daniel N. Calder, Reg. No. 27,424

**CERTIFICATE OF MAILING (37 CFR 1.8a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Filing Receipt Corrections, Office of Initial Patent Examination, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 31, 2005

*Donna M. Wellings*  
Donna M. Wellings

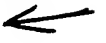
Enclosures: Copy of Declaration/POA  
Copy of Pg. 2 of Preliminary Amendment  
Copy of Filing Receipt

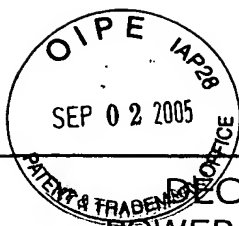
**Amendment to the Title:**

Please replace the Title with the following:

DISK APPARATUS, DISK APPARATUS CONTROLLING METHOD, PROGRAM AND  
RECORDING MEDIUM

COPY



**DECLARATION/  
POWER OF ATTORNEY  
FOR UTILITY OR DESIGN  
PATENT APPLICATION**

- ☒ Declaration Submitted With Initial Filing (37 CFR 1.63)      ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)      ☐ Supplemental Declaration (37 CFR 1.67)

Attorney Docket Number:	MTS-3553 US
First Named Inventor:	Toru MIYANO
<b>COMPLETE IF KNOWN</b>	
Application Number:	To Be Assigned
Filing Date:	Herewith
Art Unit:	
Examiner Name:	

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DISK APPARATUS, DISK APPARATUS CONTROLLING METHOD, PROGRAM AND RECORDING MEDIUM**

(Title of the Invention)

the specification of which

☐ is attached hereto**OR**☒ was filed on (MM/DD/YYYY) 01/21/2004 as United States Application or PCT International Application Number PCT/JP2004/000457

and was amended on (MM/DD/YYYY) \_\_\_\_\_ (if applicable). I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
2003-013860	JAPAN	01/22/2003	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

# Declaration/Power Of Attorney for Utility or Design Patent Application (continued)

I hereby appoint:

☒ Practitioners at Customer Number **23122****OR**☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Direct all correspondence to:

☒ Practitioners Customer Number listed above; **OR**☒ Correspondence Address Below

Name: RatnerPrestia

Address: P. O. Box 980

City: Valley Forge

State: PA

Zip: 19482

Country: USA

Telephone: (610) 407-0700

Fax: (610) 407-0701

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Name of Sole or First Inventor:**☐ A Petition has been filed for this unsigned inventor.

Given Name (first and middle (if any))

Family Name or Surname

Toru

MIYANO

Inventor's Signature

*Toru Miyano*Date: March 17, 2005

Residence: Kyoto

State:

Country: JAPAN

Citizenship: JAPAN

Mailing Address: 518-205, Koiyama-cho, Nakagyo-ku, Kyoto-shi

Mailing Address:

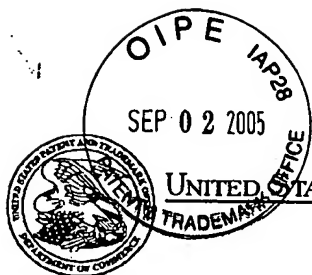
City: Kyoto

State:

Zip: 604-8163

Country: JAPAN

☐ Additional inventors are listed on the next page.

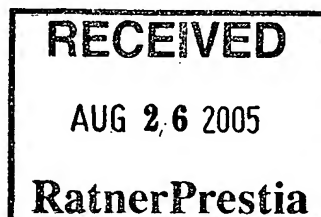


## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/528,793	03/23/2005	2655	900	MTS-3553US	8	11	2

52473  
 RATNERPRESTIA  
 P.O. BOX 980  
 VALLEY FORGE, PA 19482



CONFIRMATION NO. 6226

## FILING RECEIPT



\*OC000000016801621\*

Date Mailed: 08/22/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Toru Miyano, Kyoto, JAPAN;

COPY

Power of Attorney: The patent practitioners associated with Customer Number 52473.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP04/00457 01/21/2004

## Foreign Applications

JAPAN 2003-013860 01/22/2003

Projected Publication Date: 11/24/2005

Non-Publication Request: No

Early Publication Request: No

## Title

Disk device, method for controlling disk device, program and recording medium

## Preliminary Class

Disk Apparatus, Disk Apparatus Controlling  
 Method, Program and Recording Medium

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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